

Message Text

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ACTION HA-05

INFO OCT-01 NEA-10 ISO-00 CIAE-00 DODE-00 PM-05 H-01
 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02
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C O N F I D E N T I A L DACCA 6926

E.O. 11652: GDS
TAGS: SHUM EAID MASS BG PINT
SUBJECT: HUMAN RIGHTS PROVISIONS OF DEVELOPMENT ASSISTANCE
 LEGISLATION; THE ASSETS REGULATION

REFS: A. STATE 282352 B. 76 STATE 231122; C. DACCA 6825

1. POLCOUNSELOR DECEMBER 1 DELIVERED TO MFA DIRECTOR GENERAL HARUNUGYRASHID AIDE MEMOIRE CONTAINING TEXT OF AMENDMENT AS GIVEN IN REFTEL (A) AND ALSO PROVIDED AGAIN TEXT OF SECURITY ASSISTANCE AMENDMENT AS GIVEN IN REFTEL (B).

2. THIS LED TO AN "OFF THE RECORD" DISCUSSION OF THE MARTIAL LAW REGULATION REPORTED IN REFTEL (C), WHICH PROVIDES FOR REVIEW OF ASSETS OF FORMER MPS. HARUN SAID IT WAS HIS OPINION THAT REGULATION WOULD LIKELY SERVE AS MEANS FOR "OUTSIDERS" TO RAISE HUMAN RIGHTS QUESTIONS IN BANGLADESH FOR TWO REASONS. FIRST, IT DOES NOT PROVIDE FOR LEGAL ASSISTANCE OR JUDICIAL REVIEW. SECOND, IT IS CLEARLY AIMED AT A SINGLE POLITICAL PARTY, THE AWAMI LEAGUE, WHICH MONOPOLIZED ALMOST ALL SEATS FOLLOWING BOTH 1970 AND 1973 ELECTIONS. ALTHOUGH SOME WHO WERE THEN AWAMI LEAGUERS HAVE LEFT PARTY, MOST REMAIN IN THE LEAGUE AND THOSE WHO HAVE LEFT HAVE IN MANY CASES GONE TO EITHER THE JSD OR THE
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DEMOCRATIC LEAGUE, BOTH OF WHICH WERE BANNED FOLLOWING OCTOBER 2 MUTINY.

3. IN ANOTHER CONVERSATION, A SENIOR CIVIL SERVANT PUT FORWARD SIMILAR MISGIVINGS AND ALSO NOTED THAT HAD A REGULATION OF THIS TYPE BEEN ISSUED SOON AFTER THE ZIA TAKEOVER IN NOVEMBER, 1975, IT MIGHT BE UNDER-

STANDABLE AS A NEW REGIME IS ALL BUT EXPECTED TO ACT AGAINST THE ONE WHICH IT HAS REPLACED. BUT A DELAY OF TWO YEARS MAKES IT APPEAR AS IF THE REGULATION IS PURELY RETALIATORY. THE CIVIL SERVANT CITED AS AN EXAMPLE THE QUICK ISSUANCE OF THE ELECTORAL BODIES DISQUALIFICATION ORDER (EBDO) BY AYUB KHAN AFTER HIS COUP. HE WENT ON TO NOTE THAT ALREADY EXISTING REGULATIONS WERE SUFFICIENT TO PROSECUTE CORRUPT OFFICIALS AND PARLIAMENTARIANS BUT HAD NOT BEEN USED TO ANY EXTENT.

4. THE ZIA REGIME HAS BEEN UNDER SOME CRITICISM FOR NOT PROSECUTING CORRUPT ELEMENTS FROM THE PERIOD OF MUJIBUR RAHMAN. MANY OF OUR CONTACTS, HOWEVER, FEEL THAT THE PRESENT REGULATION IS BOTH TOO LATE AND TOO CLUMSY AND THUS HAVE FOUND A NEW BASIS ON WHICH TO BE CRITICAL.

5. ZIA HAS BEEN ATTEMPTING TO FIND A FORMULAR TO INCREASE POPULAR PARTICIPATION IN GOVERNMENT BUT IN A WAY WHICH WILL BE SHORT OF OPEN (AND PROBABLY VOLATILE) ELECTIONS FOR A PARLIAMENT AND WHICH WILL ALSO ASSURE HIM OF CONTROL OF WHATEVER RESULTS. ONE PLAN HE HAS FLOATED HAS BEEN FOR THE MAJOR POLITICAL PARTIES TO NOMINATE REPRESENTATIVES TO A CONSULTATIVE COUNCIL. THE PLAN WAS TO HAVE BEEN AN EQUAL NUMBER FROM EACH OF A DOZEN OR MORE PARTIES. THE AWAMI LEAGUE REFUSED FLATLY TO GO ALONG WITH THIS DEMANDING THAT REPRESENTATION BE ON THE BASIS OF EACH PARTY'S STRENGTH
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(WHICH, THE LEAGUE SAID, COULD BE MEASURED BY HAVING THE REPRESENTATIVES ELECTED BY UNION PARISHAD MEMBERS, HARKING BACK TO AYUB'S BASIC DEMOCRATS). ZIA DID NOT ACCEPT THIS PROPOSAL AS HE CLEARLY FEARS AN AWAMI LAGUE MAJORITY OR PLURALITY.

6. IF THIS OUTCOME OF TALKS BETWEEN ZIA AND THE AWAMI LEAGUE MAJORITY BE CORRECT, AND WE THINK IN ESSENCE IT IS, ZIA IS SAID TO HAVE RESPONDED TO THE LEAGUE BY THE PROMULGATION OF THE NEW REGULATIONS WITH ITS RESTRICTIONS ON LEGAL ASSISTANCE AND CHANNELS OF APPEAL.
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